MEETINGS TO DATE 9 NO. OF REGULARS 7 NO. OF SPECIALS 2

LANCASTER, NEW YORK APRIL 7, 1975

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 7th day of April, 1975 at 8:00 P.M. and there were

PRESENT:

JOSEPH R. BARNHARDT, COUNCILMAN EDWARD A. BERENT, COUNCILMAN PETER J. BOLENDER, COUNCILMAN ARTEL J. METZ, COUNCILMAN

ABSENT:

NONE

ALSO PRESENT:

ROBERT P. THILL, TOWN CLERK

DOMINIC J. TERRANOVA, TOWN ATTORNEY

EDWARD J. FERON, JR., TOWN ENGINEER

JOHN F. LUME, HIGHWAY SUPERINTENDENT

VICTOR H. OTT, POLICE CHIEF

# OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their Monthly Reports as follows:

DEPARTMENT	MONTH OR MONTHS OF
Town Clerk .	March, 1975
Police Department	March, 1975
Building Inspector	March, 1975
Dog Warden	March, 1975
Ambulance	March, 1975

## **COMMITTEE REPORTS:**

Supervisor Weimer reported that the Lancaster Jaycees are raising funds for the purpose of assisting in the purchase of a vehicle to be owned and operated by the Town in conjuction with its Narcotics Guidance Council, Youth Bureau, Youth Services, and Action Line Program.

## PRESENTATION OF RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BARNHARDT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BERENT, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held on March 17, 1975, and the minutes of the Special Meeting of the Town Board held on March 31, 1975, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

xdaxky

The resolution was thereupon unanimously adopted.

WHEREAS, the Town Board of the Town of Lancaster has heretofore duly advertised for certain materials and supplies for use of the Highway Department during the year 1975, and

WHEREAS, the Town Superintendent of Highways, by letter dated March 13, 1975, has advised that representative bids were not received for the ice control grit item and further has requested that bids be invited for crushed stone,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby rejects bids heretofore received for ice control grit, and

BE IT FURTHER

RESOLVED, that the Town Clerk advertise for bids to be received by the Town Board of the Town of Lancaster at the Town Hall, 21 Central Avenue, Lancaster, New York, until 8:00 o'clock P.M., Eastern Daylight Time, on the 21st day of April, 1975, for the purchase of crushed stone and grit, and that advertisement for bids be published in the Lancaster Enterprise-Journal on April 10, 1975, and posted on the Town Bulletin Board, which Notice shall be in the following form:

LEGAL NOTICE
NOTICE TO BIDDERS
TOWN OF LANCASTER
HIGHWAY DEPARTMENT
LANCASTER, NEW YORK

Sealed bids will be received and publicly opened by the Town Board of the Town of Lancaster at 8:00 o'clock P.M., Eastern Daylight Time, April 21, 1975, at the Town Hall, 21 Central Avenue, Lancaster, New York for ice control grit and crushed stone for the Highway Department of the Town of Lancaster.

Specifications for each of the above named materials are on file with and may be obtained from either the Highway Superintendent of the Town of Lancaster, 3789 Walden Avenue, Lancaster, New York, or the Town Clerk of the Town of Lancaster, 21 Central Avenue, Lancaster, New York.

The contract for the purchase of the above items will be awarded to the lowest responsible bidder. In cases where two or more responsible bidders submit identical bids as to price, the Town Board may award the contract to either of such bidders. The Town Board may reject all bids and readvertise for new bids at its discretion.

TOWN BOARD OF THE TOWN OF LANCASTER

By: ROBERT P. THILL Town Clerk

April 7, 1975

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES COUNCILMAN BERENT VOTED YES COUNCILMAN BOLENDER VOTED YES COUNCILMAN METZ VOTED YES SUPERVISOR WEIMER VOTED YES

The resolution was thereupon unanimously adopted.

WHEREAS, the New York State Electric & Gas Corporation has requested a permanent easement to supply electrical service to the Lancaster Center on Pavement Road, said easement to supplement a prior easement given to New York State Electric & Gas Corporation for said service, which former easement was recorded in the Erie County Clerk's Office in Liber 8231 of Deeds at Page 465 on November 22, 1974, and

WHEREAS, said supplemental easement has been reviewed by the Town Attorney and found to be acceptable,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and hereby is authorized to execute said supplement permanent easement in the form tendered to the New York State Electric & Gas Corporation to provide electrical service to the Lancaster Center on Pavement Road.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

xdaxky

The resolution was thereupon unanimously adopted.

WHEREAS, the Town Board of the Town of Lancaster has heretofore sought enactment of a Bill to amend Subdivision 4 of Section 142 of the Highway Law, in relation to expenditures for Town Highway purposes, and

WHEREAS, Senate Bill No. 4043 is presently before the Senate of the State of New York and its companion Assembly Bill is presently before the Assembly of the State of New York, and

WHEREAS, a Home Rule Request, pursuant to Article IX of the Constitution, is required for enactment of such special law,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby declares that a necessity exists for the enactment of a Bill to amend Subdivision 4 of Section 142 of the Highway Law in relation to certain expenditures by the Town of Lancaster without the affirmative vote of a Town Election within certain limits by reason of the fact that the Town of Lancaster does not have the power to enact such legislation by Local Law and by further reason of the fact that such special legislation is necessary to provide Highway facilities without the delay of a special election and to provide such facilities before rapidly rising construction costs place such facilities out of financial reach of the Town of Lancaster and adequate taxpayers' safeguards exist under the Local Finance Law, and

BE IT FURTHER

RESOLVED, that the Supervisor and Town Clerk be and hereby are authorized and directed to execute the Home Rule Request form and forward two copies to the Senate and two copies to the Assembly of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES COUNCILMAN BERENT VOTED YES COUNCILMAN BOLENDER VOTED YES COUNCILMAN METZ VOTED YES SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, the State Legislature enacted and the Governor of the State of New York signed into law, Chapter 818 of the Laws of 1974, amending Sections 28-a and b of the Labor Law and enacting Article 36 of the General Business Law directing, Towns and Cities to establish a Central Registry of operators of underground facilities within their territorial jurisdictions, and

Industrial Code Rule 53 by the Board of Standards and Appeals of the State of New York, Department of Labor, setting up the procedural machinery for the operation of said Central Registry and enacting rigorous penalties for the failure of operators to adhere to said Industrial Code 53, and

WHEREAS, said legislation was enacted without any prior notice to the Towns involved and more particularly to the Town of Lancaster, and

WHEREAS, said legislation imposed involved and expensive obligations on the part of a Town which inures to the benefit of private utilities, placing an added tax burden on local taxpayers and deters local governmental units from the orderly progress of day-to-day governmental matters,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby voices its strong objection to general state legislation such as Chapter 818 of the Laws of 1974 which places a tremendous administrative burden on Townships without prior notice to the Towns of the State of New York, and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster memorialize the State Assembly and the State Senate of the State of New York, State Senator Volker and State Assemblyman Graber and the Governor of the State of New York of its extreme displeasure and objection to general State legislation placing undue and unrealistic administrative burdens on municipal units of government, first on the basis of lack of notice and lack of opportunity to be heard upon such enactment and second on the basis that the cost of such

administrative obligations on municipalities should, in good conscience, be funded by the State Legislature and the Governor who are responsible for such enactments, and

#### BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded by the Town Clerk to the Clerk of the New York State Senate, State Senator Volker, the Clerk of the State Assembly, Assemblyman Graber and the Governor of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, the Lighting Committee of the Town Board of the Town of Lancaster has requested, and the New York State Electric & Gas Corporation has submitted, a proposal for improvement of street lighting on Broadway within Consolidated Lighting District No. 1 of the Town of Lancaster, and

WHEREAS, the Lighting Committee of the Town Board, after investigation, review and consideration, has recommended the said installation as contained in said proposal,

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to make the following installation within Consolidated Lighting District No. 1 of the Town of Lancaster:

#### Broadway

Install 1 - 20000 lumen mercury lamp @ \$75.00 ea. (Pole 112, Line 313)

\$ 75.00

Annual Increase

\$ 75.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, by letter of March 21, 1975, the Chairman of the
Town of Lancaster Narcotics Guidance Council has requested authorization for
five members of said Narcotics Guidance Council to attend the 3rd Annual
Drug and Alcohol Abuse Conference to be held April 9, 1975, at Hotel Statler
Hilton, Buffalo, New York, and

WHEREAS, it is deemed in the public interest that such attendance be authorized,

NOW, THEREFORE, BE IT

RESOLVED, that Anthony D'Amore, Clementine Gordon, David Trainer, David Markus and Rev. John Whiteford be and hereby are authorized to attend the 3rd Annual Drug and Alcohol Abuse Conference to be held April 9, 1975, at the Hotel Statler Hilton, Buffalo, New York, with reimbursement for registration fee of \$2.00 per person and mileage expense.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

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VOTED YES

The resolution was thereupon unanimously adopted.

SUPERVISOR WEIMER

WHEREAS, the Town Supervisor has been informed by the Commissioner of Personnel of the County of Erie that unless action is taken by the Appointing Officer of the Town of Lancaster, the Commissioner of Personnel will, after April 15, 1975, certify open eligible lists of all Erie County residents unless Appointing Officers wish to give first preference to residents of the municipality involved, and

WHEREAS, it is in the public interest of the residents of the Town of Lancaster that first preference to residents of the Town of Lancaster be given on certified open eligible lists,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor, as Appointing Officer of the Town of Lancaster, be and hereby is directed to inform the Commissioner of Personnel of the County of Erie of the determination by the Town Board of the Town of Lancaster of its decision to require that first preference be given to residents of the Town of Lancaster in the certification of open eligible lists by the Department of Personnel of the County of Erie.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, by letter of March 27, 1975, the Chairman of the Town of Lancaster Narcotic Guidance Council has requested a leave of absence for Sister Antoinette Flury, Part-time Narcotics Guidance Counselor,

NOW, THEREFORE, BE IT

RESOLVED, that the said Sister Antoinette Flury, Part-time Narcotics Guidance Counselor with the Town of Lancaster Narcotic Guidance Council be and hereby is granted a leave of absence, without pay, for the period March 10, 1975 to March 10, 1976.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, the New York State Retirement System has mandated a change in reporting requirements as specified in the New York State Code of Rules and Regulations Nos., 315 and 316,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster determines that the number of hours that will constitute the minimum work day for New York State Retirement reporting purposes for part-time employees shall be six (6) hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, the Chairman of the Town of Lancaster Narcotics Guidance Council has requested authorization to purchase a 16 mm projector for use by said Narcotics Guidance Council, and

WHEREAS, the Town Board deems it in the public interest that such purchase be authorized for education and other programs of the Narcotics Guidance Council,

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster Narcotics Guidance Council be and hereby is authorized to purchase a Bell & Howell 16 mm Autoload Projector, Model 1552B, with accessories, at a total cost of \$565.00 from United Projector & Film Corporation, 228 Franklin Street, Buffalo, New York, and

BE IT FURTHER

RESOLVED, that payment for said projector and accessories be made as follows:

\$ 300.00 265.00 General Fund Account No. A4210.2 By the transfer of \$265.00 from the General Fund Account No. A4210.1 to the General Fund Account No. A4210.2

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, the Part-time Narcotic Guidance Counselor with the Town of Lancaster Narcotics Guidance Council, by resolution of the Town Board of April 7, 1975, was granted a leave of absence without pay, and

whereas, the Chairman of said Narcotics Guidance Council has recommended the appointment of Mrs. Diane Kraemer to fill the vacancy caused by said leave of absence,

NOW, THEREFORE, BE IT

York, be and hereby is appointed as Part-time Narcotics Guidance Counselor with the Town of Lancaster Narcotics Guidance Council, effective April 8.

1975, at an annual salary of \$4250.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts:

ACCOUNT		ORDE	RN	IUMBER		•	T	TAL AMOUNT
General Funds N	io.	1879	to	1927	Incl.	a	\$	45,749.00
Special District Funds	la.	12	to	16	Incl.		\$	330,517.00
Part Town Funds	lo.	155	to	162	Incl.		\$	86,425.47
Highway Funds	lo.	390	to	402	Incl.	*	\$	18, 182, 44
Trust & Agency Funds	No.	61	to	63	Incl.		\$	25.00
Ambulance Capital Reserve	No.	15	to	15	Incl.		\$	8,500.00
Federal Revenue Sharing	No.	10	to	57	Incl.		\$	51,918.28
Capital Fund	No.	69	to	77	Incl.		\$	233,438.45

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN	BARNHARDT	VOTED	YES
COUNCILMAN	BERENT	VOTED	YES
COUNCILMAN	BOLENDER	VOTED	YES
COUNCILMAN	METZ	VOTED	YES
SUPERVISOR	WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of Building Permits be and are hereby authorized:

NO.	» NAME	ADDRESS	STRUCTURE
20	Conrad Grucza	. 30 East Home Road	ER. CHAIN LINK FENCE
21	Neil Miller	549 Ransom Road	ENC. FR. SCREENED PORCH
22	K.B.S. Auto Supply	3620 Walden Avenue	ER. ALUM. NON'-FLASHING SIGN
23	Nicholas Marangos	5145 Transit Road	EX. CONC. BLK. REST.
24	Warwick Lumber	15 Parkdale	ER. FR. PVT. GAR.
25	Harold Vesper	21 Ronald Drive	ER. FR. FENCE

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

## STATUS REPORTS ON UNFINISHED BUSINESS:

## 1. <u>Signalization - Walden and Ransom</u>

The Town Clerk reported that parts and materials necessary for the installation of this signal are on order and that further progress awaits receipt of the necessary materials.

## PERSONS DESIRING TO ADDRESS THE TOWN BOARD:

None

# **COMMUNICATIONS:**

# DISPOSITION

139.	Town Clerk to Town Board - Resume of actions taken in response to resolutions and directives of 3/17/75.	R&F
140.	President, LVAC to Town Board - Thank you for approval of ambulance bid.	R&F
141.	President, GSL Industrial Associates, Inc. to Town Council - Request consideration for franchise CATV - Town of Lancaster.	T. B. Comm. C.A.T.V.
142.	National Fuel Gas Distribution Corporation to Town of Lancaster - Notification - National Fuel Gas operates underground in Town of Lancaster.	R & F
143.	Roy Schneggenburger to A.F. Malette, Regional Traffic Engineer - Re: Reduction of speed limit - Stony Road.	Police Chief Police Committee
144.	Niagara Mohawk Power Corporation to Town Clerk - Notification - Operation of underground	R & F
	facilities - Town of Lancaster.	
145.	N.Y.S. Dept. of Environmental Conservation to Municipal Officers and Consulting Engineers -	Engineers
	Re: Grant Application Workshop.	
146.	N.Y. Telephone to Town Clerk - Notification - Operation of underground facilities - Town of Lancaster.	R & F
147.	Town Clerk to Town Board - Re: Repeal of present state "Dog Law" and enactment of a new "Dog Law".	R & F
148.	Chief Ott to Town Board - Re: Transfer of funds.	Supervisor
149.	Supervisor to Town Board - Investment of funds at Marine Midland on March 21, 1975 for dollar earnings of \$1,165.94 and \$2,337.85.	R & F
150.	Chairman, Narcotics Guidance Council to Supervisor -	R & F
	Request authorization for five (5) members to attend 3rd Annual Drug & Alcohol Abuse Conference on 4/9/75 at Buffalo, New York.	
151.	Independence Day Committee to Supervisor - Invitation to participate in Mammoth Patriotic Parade on Independence Day.	R & F
152.	Richard A. Smith to Supervisor - Request participation in panel discussion with Legislative and Health Department Officials.	LVAC President Emerg. Amb. Serv. Adv. Brd. Sec'y.
153.	Erie & Niagara Counties Regional Planning Board to Supervisor - Re: Project 208 Areawide Planning Study RPB-EPA-WPC-1; Solicitation of Local Comments on a Federally-Aided Project.	Planning Brd. Sec'y.

# **COMMUNICATIONS:**

# DISPOSITION

154.	Lancaster Bicentennial Committee to Supervisor -	R & F
	Invitation to Town Board to attend meeting of April 1, 1975.	
155.	County Commissioner of Personnel to All Appointing Officers, Towns, Villages and Special Districts -	R&F
	Notification - County-wide lists to be submitted 4/15/75.	
156.	Niagara Frontier Transportation Committee to Supervisor - Re: Transmittal of questionnaire by 4/20/75 transportation planning process.	Supervisor
157.	Jacob Hauck & Son, Inc. to Town Board - Re: Risk Management Services.	Stanton & Ryan T.B. Ins. Comm.
158.	County Commissioner of Personnel to Supervisor -	All Dept. Heads
	Re: Public Hearing - Adopting amendments concerning layers, Veterans Seniority Rights and preferred lists.	
159.	Erie & Niagara Counties Regional Planning Board to Regional Officials and Citizens - Transmittal - "Overall Regional Planning Program Design - 1974-1977".	Planning Brd. Sec'y. R & F
160.	State Public Service Commission to Supervisor - Re: Order Authorizing Cancellation of Matter Under Suspension - National Fuel Gas Distribution Corporation.	R & F
161.	N.Y.S. Department of Environmental Conservation to Supervisor - Notice of Resumption of Public Hearing - Classification and Reclassification of Surface Waters of Lake Erie & Niagara	Engineers Env. Cons. Comm. Chairn
	River.	
162.	Highway Supt. to Town Board - Notification - Highway Department Spring Rubbish Pickup.	R & F
163.	Erie & Niagara Counties Regional Planning Board to Regional Officials and Citizens - Transmittal - Report entitled, "Environmental Resources Plan".	R & F
164.	AT&T Long Lines to Supervisor - Notification - Operation of under- ground facilities - Town of Lancaster.	R & F
165.	Dept. of Environmental Quality to Supervisor - Re: Additional funding for lateral sewers.	Sewer Dist #4 Comm.
166.	Chairman, NGC to Supervisor - Re: Resignation of Sister Flury and request authorization to purchase projector.	R & F
167.	Chairman, NGC to Town Board - Request Mrs. Diane Kraemer as Part-Time worker, NGC.	R & F

# ADJOURNMENT:

ON MOTION OF COUNCILMAN BERENT, AND SECONDED BY THE ENTIRE TOWN BOARD' AND CARRIED, the meeting was adjourned at 8:35 P.M.

Robert P. Thill, Town Clerk